



August 6, 2009

**Ben Bernanke**

Federal Reserve Board Chairman  
Board of Governors of the Federal Reserve System  
20th & Constitution Avenue, NW  
Washington, DC 20551

Dear Mr. Bernanke:

I am writing to ask you to help credit unions with the most significant compliance issue we are facing today – the 21-day rule requirements, as they apply to open end credit plans other than credit cards under the new Federal Reserve Board's final rule implementing the Credit Accountability Responsibility Disclosure Act (CARD Act).

I am urging the board to use its authority to delay the compliance date of the Truth in Lending Act (TILA) provisions for credit unions. The board has the clear authority to make the necessary modifications to ensure financial institutions have sufficient time to make the required changes. The board also has authority under Section 105(d) to extend the effective date and provide a later mandatory compliance date of regulations that implement TILA requirements. The Board has often used this authority to provide financial institutions with additional time to comply with TILA requirements, especially with regard to comprehensive legislations, such as the CARD Act.

Tucson Old Pueblo Credit Union has over 4,000 existing open-end loans that now require a change in the payment due date. We are a \$140 million asset credit union with limited resources in a challenging economic time and the additional strain to implement this change in a relatively short period of time will stretch those resources considerably. We will need to communicate changes in due dates to our members, train staff on answering questions regarding these changes, complete a data conversion with our software system as well as train our employees on writing new loans so that they are compliant.

The new 21-day payment notification requirement requires significant and complicated operational changes that despite our best efforts cannot be fully completed by August 20<sup>th</sup>. In recognition that this is not an issue of whether we are willing to comply by the effective date, we strongly urge the Board to make the necessary accommodations to ensure credit unions and other affected financial institutions can be in compliance with these provisions in an expedited manner that will serve the interests of consumers, all without the threat of needless legal challenges and litigation. At a minimum, this should include extending the effective date beyond August 20<sup>th</sup> for open-end credit other than credit cards. Even a modest extension of six weeks would allow us the time to implement the requirements with less operational risk and allow us to better communicate the changes with our members.

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Main Office: 2500 E. 22nd Street ♦ Tucson, AZ 85713-2002 ♦ (520) 881-6262 ♦ Fax: (520) 322-9256  
Downtown Office: 177 N. Church Avenue, Suite 100 ♦ Tucson, AZ 85701-1117 ♦ (502) 881-6262 ♦ Fax (502) 620-6288

Thank you for the opportunity to raise these issues with regard to Section 106 of the CARD Act that requires creditors to adopt reasonable procedures to ensure that periodic statements are mailed or delivered to the consumer no later than 21 days before the payment due date.

Sincerely,

Joseph Mirachi  
President/CEO

Cc: Federal Reserve Board Vice Chairman, Donald L. Kohn  
Federal Reserve Board Members, Kevin M. Warsh, Elizabeth A. Duke, Daniel K. Tarullo